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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,031

08/11/2004

Sean Gregory Hutchinson

9052

7590

08/05/2005

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EXAMINER

TRIEU, THAI BA

ART UNIT

PAPER NUMBER

3748

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tutu

Office Action Summary	Application No. 10/657,031	Applicant(s) HUTCHINSON, SEAN GREGORY	
	Examiner Thai-Ba Trieu	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "1", "2", "3", "4", "5", and "6" (See Figures Front , Right side, Electric Schematic, and Top). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should

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include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Specifically,

- In claim 2, the recitation of ***"the use of an electric motor regardless of size, rotational speed, and power rating with any centrifugal type air compressor regardless of size or output rating"*** is required to be incorporated with the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Woollenweber et al. (Patent Number 6,205,787 B1).

Woollenweber discloses the electro-charger incorporating the use of an electric powered motor (45, 67, 95, 162) directly operating a centrifugal air compressor (42, 64) or indirectly operating it through gears, pulleys, or wheels, for the sole purpose of increasing the horsepower output of an internal combustion gasoline engine (See Column 1, lines 25-30); and the use of an electric motor (45, 67, 95, 162) regardless of size, rotational speed, and power rating with any centrifugal type air compressor regardless of size or output rating (See Figures 1-4).

Claim 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (Pub. Number US 2003/0190242 A1), or Jones (patent Number 6,651,633 B1), or (Knight Patent Number 6,718,955 B1), or Hans (GB 2 023 731 A).

1. See Figures 2, 4, 4-5, and 7-8; Paragraphs [0049]-[0050] and [0053] of Anderson (US 2003/0191242 A1).

2. See Figures 4 and 11; and Column 14, lines 45-58 of Jones (6,651,633).

3. See Figures 1 and 3-5; and Column 1, lines 10-67, Column 2, lines 6-67, Column 3, line 1-25 and 46-67, Column 4, lines 1-67, Column 5, lines 1-57, and Column 6, lines 1-28 of Knight (6,718,955 B1).

4. See Figures 1-3, Pages 1-2 of Hans (GB 2 023 731 A).

Note that Note that in claim 2, the limitation ***“encompassing the use of an electric motor regardless of size, rotational speed, and power rating with any centrifugal type air compressor regardless of size or output rating”*** is an intended use recitation. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCCPA 1963).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Snyder et al. (Pub. Number US 2005/0158172 A1) disclose a beltless high velocity air blower.
- Masuda (US Patent Number 6,880,337 B2) discloses a control device for a turbocharger with electric motor and control method of the same.

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- Grundl et al. (US Patent Number 6,865,888 B2) disclose a turbocharger for an internal combustion engine.

- Woollenweber (US Patent Number 6,739,845 B2) discloses a compact turbocharger.

- Fabry (Pub. Number US 2003/0175128 A1) discloses a high-pressure multi-stage centrifugal compressor.

- Hill et al. (US Patent Number 6,579,078 B2) disclose a multi-stage centrifugal compressor driven by integral high-speed motor.

- Halami et al. (US Patent Number 6,182,449 B1) disclose a charge air system for internal combustion engines.

- Woollenweber et al. (US Patent Number 6,102,672) disclose a motor driven centrifugal air-compressor.

- Woollenweber et al. (US Patent Number 6,129,524) disclose a motor driven centrifugal air-compressor.

- Khair (US Patent Number 5,771,868) discloses turbocharger systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Additionally, the new Central FAX Number **(571) 273-8300** is effective on **July 15, 2005**. The old number (703-872-9306) will be routed to the new number until September 15, 2005.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB
August 04, 2005



Thai-Ba Trieu
Primary Examiner
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